



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401333
Applicant Name : William Lihudis
Address of Proposal: 2313 A. NE 92nd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land in an environmentally critical area (40% steep slope area). Proposed parcel sizes are: A) 7,179 sq. ft. and B) 5,495 sq. ft. The existing single family residence on Parcel A to remain.

The following approvals are required:

Short Subdivision: To subdivide one existing parcel into two parcels of land.
(Chapter 23.24, Seattle Municipal Code).

SEPA: Environmental Determination (Chapter 25.05 SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving
another agency with jurisdiction.

* Early Notice DNS published July 22, 2004

BACKGROUND DATA

Site Description

The 12,760 square foot site is located in a Single Family 5000 (SF 5000) zone approximately 112 feet from the intersection of 23rd Avenue NE and NE 92nd Street. The subject site is rectangular in shape and it is described as Lot 1-2, Block 41, Maple Leaf Addition to Green Lake Circle Property of the City of Seattle. The site has 88.86 feet linear frontage on NE 92nd Street with a lot depth of 145.82 feet. Currently existing on the site is a single family house and a shed. The topography is characterized by a flat surface within the lot surrounded with steep slopes on the west and northern edges of the site abutting NE 92nd Street. The north portion of the site along NE 92nd Street is primarily covered with a variety of small-sized trees with underbrush. There are two Alder trees, one Cedar tree and one fruit tree spotted on different location on the lot. The site is within an identified designated Environmentally Critical 40% steep slope area. However, under project #2401600 based on geotechnical information provided by GeoGroup Northwest, Inc. April 20, 2004 and May 20, 2004, a limited exception from ECA Steep Slope Development Standards was approved by DPD for this site on the basis that the on-site slopes are less than 20-feet in height or created by legal grading activities. The single family zone abuts L-3 zone to the west. Surrounding zoning is Single Family 5000 (SF-5000). Development in the vicinity is predominantly single family residential uses.

Proposal

The applicant proposes to subdivide one 12,760 square foot lot into two (2) parcels of land in a Steep Slope Environmentally Critical Area. Proposed parcel areas are: A) 7,179 sq. ft. and B) 5,495 sq. ft. The existing single family residence on proposed Parcel A located on the westerly portion of the site will remain and will have direct vehicular access from NE 92nd Street. The construction of a terrace garage on Parcel A is being reviewed under Project #2401061 subject to SMC 23.44.016C1b development standards. The proposed Parcel B, located towards eastern portion of the site will have separate direct access from NE 92nd Street via a driveway to an attached garage.

Public Comment

The comment period began on July 22, 2004 and ended on August 4, 2004. Two public comments letters were received citing concerns about drainage, parking and traffic.

ANALYSIS - SHORT SUBDIVISION

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

Pursuant to SMC 23.24.40, The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.

1. Conformance to the applicable Land Use Code provisions;

The lots created by the proposed short subdivision will conform to all development standards of the SF 5000 zone. The lot configuration provides an adequate buildable area to meet applicable density, yards, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

Land use regulations for the SF 5000 zone are designed to preserve the character of single-family residential areas and discourage the demolition of single-family residence and displacement of residences. This proposal will create two new lots in a single-family residential zone and demolition of a single-family residence is not proposed. Therefore, this proposal is consistent with applicable land use code provisions.

2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;

Each of the proposed lots will have adequate vehicle, utility and fire protection access. Proposed Parcel B will have approximately 35 feet of frontage along NE 92nd Street which provides adequate vehicular access via a 10-foot wide driveway to an attached garage within the proposed single family structure. Proposed Parcel A will have approximately 52 feet frontage on NE 92nd Street and will have direct vehicular to a terrace garage located within the front yard setback abutting the street. The Seattle Fire Department has reviewed and approved this proposal for adequacy of emergency vehicle access. The applicant signed a no protest agreement to allow future street improvement in this area. Seattle City Light does not require any additional easements to provide electricity.

3. Adequacy of drainage, water supply, and sanitary sewage disposal;

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on October 21, 2004 (WAC ID No. 20041652).

The existing structure is connected by means of a single side-sewer to an 8-inch public Sanitary sewer (PSS) located in NE 92nd Street. The applicant is required to show a utility easement on the site plan for Parcel B and would be required to make all corrections on the site plan prior to recording of the short plat.

Due to a lack of suitable publicly maintained stormwater conveyance system in the vicinity, there is an inadequate drainage infrastructure in the vicinity of the proposed short plat. However, an approved drainage plan and report prepared by Eastside Consultants, Inc. was submitted to DPD on January 18, 2005, in response to drainage review recommendations. The drainage plan proposes to discharge stormwater from the site to a 48-inch diameter infiltration tank. Additional plan review requirements will be made at the time of building permit application in accordance with any applicable storm-water ordinance in effect at the time.

4. *Whether the public use and interests are served by permitting the proposed division of land.*

One outcome of the short subdivision process is to increase opportunities for new housing development. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas.*

The site is within an identified designated Environmentally Critical 40% steep slope area. However, under project #2401600 based on geotechnical information provided by GeoGroup Northwest, Inc., April 20, 2004 and May 20, 2004, a limited exemption from ECA Steep Slope Development Standards was approved by DPD for this site on the basis that the on-site slopes are less than 20-feet in height or created by legal grading activities

New construction on proposed Parcel B is not subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code. As a result of ECA exemption, the short subdivision is exempt from SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees:*

One Cedar trees is located on Parcel A and two Alder and one fruit trees are located on proposed Parcel B. The proposed configuration of Parcel B has enough buildable area to not necessitate the removal the two Alder trees located in front of the lot. However, the existing fruit tree would be removed. Thus the proposal has been designed to maximize the retention of existing trees on the property.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision if for the purpose of creating separate lots of record for the construction*

and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:

This Short Subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat application.

8. *Conformance to the provisions of Section 23.24.046, multiple single family dwelling units on a single family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single family dwelling unit:*

This Short Subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this shot plat proposal.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

ANALYSIS - SEPA

The proposal site is located in a Steep Slope Environmentally Critical Area, thus the short subdivision is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated August 3, 2002, and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances

(SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short - Term Impacts

The following temporary impacts on the critical areas are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Drainage and Grading Code (temporary soil erosion); and 3) Regulations for Environmentally Critical Areas. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a landslide-prone environmentally critical area. Therefore, additional discussion of earth/soils impacts is warranted.

Earth

Due to the anticipated impacts on the critical areas such as soil erosion and soil instability, the ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by GeoGroup Northwest, Inc. April 20, 2004 and Supplemental Letter, May 20, 2004. The report evaluates the soil and site conditions and provides recommendations for future construction.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long - Term Impacts

The long-term impacts such as soil erosion and soil stability, are typical of single-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); and the Regulations for Environmentally Critical Areas. There are no long-term significant impacts from the proposed short subdivision.

Summary

The City's adopted codes and/or ordinances will adequately provide mitigation for any possible short-term and long-term impacts. Additional mitigation pursuant to SEPA conditioning authority is not warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance: This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance: This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

The owner(s) and responsible party(s) shall:

Prior to Recording

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.

2. Include the following on the face of the plat: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008.I.Tree Requirements. All future construction is subject to the applicable code provisions of SMC 25.09, Tree Protection. All trees shall remain on site until such time that building permit is approved and issued which allows for removal of trees on site."
3. Provide final recording forms and fees.

After Recording and Prior to Issuance of a Building Permit

4. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

Signature: _____ (signature on file) Date: January 31, 2005
Christopher Ndifon, Land Use Planner
Department of Planning and Development
Land Use Services

CN:bg

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